

**Regular Meeting
Borough of Leonia
Minutes for November 14, 2005**

A Meeting of the Mayor and Council of the Borough of Leonia, Bergen County, New Jersey, was held this evening in the Borough Hall Annex, commencing at 7:30pm

Council Present: Mayor Laurence Cherchi, Councilwoman Dwarica, Councilwoman Heveran, Councilman LaBianco, (arrived at (9:00PM), Council President Ryan

Council Absent: Councilman Puzzo

Also Present: Council-Elect Hawkins, Council-Elect Raucci, Fran Lehmann, Borough Clerk, David Russo, Borough Attorney, Victoria Miragliotta, Borough Administrator, Karen Murray, Labor Counsel

Mayor Laurence Cherchi called the meeting to order.

Mayor Laurence Cherchi asked everyone to stand while Council President Ryan led in the Pledge of Allegiance.

OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notices sent to the Official Newspaper.

Mayor Cherchi advised the Governing Body and those assembled that he would like to change the time allotted for interviews scheduled for this meeting until the next meeting, Closed Session at 8:30PM, for Construction Official, and Zoning Official.

APPROVAL OF MINUTES

Council President Ryan made a motion to approve the Minutes of October 24, 2005, seconded by Councilwoman Dwarica to approve the Minutes of October 24, 2005. Council – Elect Hawkins noted on page 1 line 37 “Magnolia Avenue should be Magnolia Place.” Council – Elect Hawkins also noted on page 3, line 117 “her should read “he.” Councilwoman Heveran inquired as to why the names of the custodians were omitted from the Fire Department report. The Borough Clerk explained she had asked Chief Dunn for the names but had not received them in time. Councilwoman Heveran also requested the following be included in line 148 “after the word “initial” insert the word “call.” Also add “Recognition should be given to those employees”. Roll call vote; Councilpersons Dwarica, Heveran and Ryan voted yes. Councilwoman Mitrani abstained and Councilmen LaBianco and Puzzo were absent. Minutes approved as amended.

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48 **COMMENTS FROM THE PUBLIC**
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50 Mr. Martin Monaco 352 Highwood Avenue – Mr. Monaco addressed the Governing
51 Body about the letter he sent to the Mayor and Council. Mr. Monaco believes that under
52 the heading of “correspondence” all letters addressed to the Governing Body should be
53 listed. Mr. Monaco feels that by not listing them on the agenda, the public is not aware of
54 what has come into the attention of the Governing Body.
55 Mayor Cherchi thanked Mr. Monaco for his opinion.
56

57 Justin Maynard, 878 Main Street, Hackensack - Would like to purchase a lot owned by
58 the Borough. Mayor Cherchi asked Mr. Maynard to meet with the Borough Administrator
59 who will advise the Governing Body of his interest.
60

61 **RESOLUTIONS**
62

63 Council President Ryan questioned Resolution 05-252 “Budget Transfers”. Borough
64 Administrator Miragliotta explained the transfers are necessary to cover the increase in
65 energy costs. Mayor Cherchi also explained that a recent change in fuel the Borough has
66 implemented should save approximately \$6,000.
67

68 Councilwoman Dwarica asked to have Resolution 05-255 held until after the Closed
69 Session.
70

71 Council President Ryan inquired if Resolution 05-254 is closing the door on collecting
72 anymore money. Mayor Cherchi explained this is the JIF’s action and this is the end of
73 the issue. Resolution 05-254 refers the Karros claim.
74

75 Councilwoman Heveran made a motion to approve Resolution 05-248-254, 256 -258,
76 seconded by Councilwoman Mitrani. Roll call vote; Councilwoman Dwarica, Heveran,
77 Mitrani and Council President Ryan voted yes. Councilmen LaBianco and Puzzo were
78 absent. Resolutions approved.
79

80 **ADOPTION OF ORDINANCES**
81

82 Adoption of Ordinance 16-05 entitled:
83

84 **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 49,**
85 **SECTION 4 OF THE CODE OF THE BOROUGH OF LEONIA, COUNTY**
86 **OF BERGEN, STATE OF NEW JERSEY, ENTITLED “POLICE**
87 **DEPARTMENT - TABLE OF ORGANIZATION (public hearing)**
88

89 Borough Clerk read the Ordinance by Title
90 No one from the Public addressed Ordinance 16-05
91

Councilperson Dwarica made a motion, seconded by Councilperson Mitrani to Adopt on Final Reading Ordinance 16-05.
Councilwoman Heveran inquired if the Police Committee was still in agreement with Ordinance 16-05? Council President Ryan responded yes. Council President Ryan asked Karen Murray, Labor Counsel, if the way the Ordinance would keep Detectives as temporary assignments? Labor Counsel Murray reviewed the Ordinance and thought the wording was appropriate and would preserve the Borough's rights on Detectives.

ROLL CALL Councilperson Dwarica, Heveran, Mitrani, Ryan, voted yes
Councilmen LaBianco and Puzzo were absent. Ordinance 16-05 adopted.

Adoption of Ordinance 18-05 entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 194 OF THE CODE OF THE BOROUGH OF LEONIA, COUNTY OF BERGEN, STATE OF NEW JERSEY (public hearing) (four way stop signs, no right turn)

Borough Clerk read the Ordinance by Title

No one from the Public Spoke regarding this Ordinance

Councilperson Heveran, seconded by Councilperson Ryan to Adopt and Pass on Final Reading Ordinance 18-05.

ROLL CALL Councilperson Dwarica, Heveran, Mitrani, Ryan, voted yes.
Councilmen LaBianco and Puzzo were absent. Ordinance 18-05 adopted.

Adoption of Bond Ordinance 19-05 entitled

BOND ORDINANCE TO AUTHORIZE THE MAKING OF SEWER IMPROVEMENTS, AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, A NEW RESCUE FIRE TRUCK, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, AND NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT IN, BY AND FOR THE BOROUGH OF LEONIA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$570,390 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS. (Public hearing)

Borough Clerk read the Ordinance by Titled

No one from the Public spoke regarding this Ordinance

Councilperson Heveran seconded by Councilperson Mitrani to Adopt and Pass on Final Reading Bond Ordinance 19-05.

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139 **ROLL CALL** Councilperson Dwarica, Heveran, Mitrani, Ryan, voted yes.
140 Councilmen LaBianco and Puzzo were absent. Bond Ordinance 19-05 adopted
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142 **INTRODUCTION OF ORDINANCES**
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144 Introduction of Ordinance 20-05 entitled:
145

146 **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 88**
147 **OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED**
148 **“ANIMALS” (Stormwater Related)**
149

150 Councilperson Heveran made a motion seconded by Councilperson Ryan to
151 Introduce on First Reading Ordinance 20-05:
152

153 On discussion – The Borough Clerk explained the need to do the following
154 Ordinances. The Borough Clerk explained the Governing Body needs to decide
155 on the enforcing authority and the fine both, minimum and maximum. After a
156 discussion by the Governing Body it was decided that the fine for all three
157 Stormwater related ordinances would be a minimum of \$100.00 with a maximum
158 fine not to exceed \$1,000. And unless noted, the Police Department would be the
159 enforcement Authority. Councilwoman Heveran would like signs posted advising
160 the public of the fines imposed for feeding of wildlife. Councilman – Elect
161 Hawkins explained the ordinance is to prohibit the feeding of feral animals.
162 Councilwoman Heveran had questions about the enforcing agency. The Borough
163 Administrator stated the Police Department is responsible for enforcing all
164 Ordinances. Councilwoman Heveran would also like to have the Board of Health
165 enforce this ordinance. Mayor Cherchi did not feel that the Board of Health could
166 be an enforcement agency. Councilman-Elect Hawkins explained that it could be
167 considered a quality of life issue and the Health Department can enforce under
168 quality of life.
169

170 **ROLL CALL** Councilperson Dwarica, Heveran, LaBianco, Mitrani, Ryan, voted
171 yes. Councilman Puzzo was absent. Ordinance 20-05 introduced.
172

173 Introduction of Ordinance 21-05 entitled:
174

175 **AMENDING AND SUPPLEMENTING CHAPTER 28 OF THE CODE OF**
176 **THE BOROUGH OF LEONIA ENTITLED “SEWERS” (Stormwater**
177 **Related)**
178

179 Councilperson Mitrani, made a motion seconded by Councilperson Heveran to
180 Introduce on First Reading Ordinance 21-05.
181

182 Council – Elect Hawkins questioned if the Council could set the fine higher than
183 \$1,000. Mayor Cherchi stated that is the maximum we can collect.

Council – Elect Raucci stated he has seen residents take the bags with their dog droppings and drop them down the storm drain. Residents need to be educated where the water goes. The Borough Administrator will write something regarding the three ordinances for the Website.

ROLL CALL Councilperson Dwarica, Heveran, LaBianco, Mitrani, Ryan, voted yes. Councilman Puzzo was absent. Ordinance 21-05 Introduced.

Introduction of Ordinance 22-05 entitled:

AMENDING AND SUPPLEMENTING CHAPTER 28 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED “SEWERS” (Stormwater Related)

Councilperson Mitrani made a motion, seconded by Councilperson LaBianco to Introduce on First Reading Ordinance 22-05.

A discussion was held by the Governing Body regarding the best way to enforce compliance. Council-Elect Raucci reminded everyone that run-off water from private drains causes an icing problem on the roads. Councilman LaBianco would like to make this part of the CCO process. Councilman – Elect Raucci would like to give a grace period before people start receiving fines.

ROLL CALL Councilperson Dwarica, Heveran, LaBianco, Mitrani, Ryan. Councilman Puzzo was absent. Ordinance 22-05 Introduced.

UNFINISHED BUSINESS

- a. Sidewalks as Part of CCO Requirements – Councilwoman Mitrani reported that the Borough Administrator, the Chairman of the Shade Tree Commission, and she are going to meet to discuss the conflicts between the Shade Tree Ordinance and the Sidewalk Ordinance. Councilwoman Heveran would like Mr. Peters to be included in the discussions. An ordinance will be ready for discussion on December 5, 2005
- b. Madonna Cemetery – Mayor Cherchi reported that a fax had been received from the Insurance Carrier that states according to the State we do not have to comply with State ADA requirements but we do need to comply with Federal ADA requirements. The slope would be more than 5%. The potential solution would be for a dirt ramp with gravel. Councilman LaBianco expressed his concern regarding a dirt ramp with gravel and the possible need for a handrail. Before anything is approved, the Council should have plans to review. The Borough Administrator expressed concern with maintenance on a dirt ramp with gravel and how many times a year it would need to be rebuilt versus a permanent structure. And concerns about ice and snow.

Councilwoman Heveran feels the first step is Cemetery compliance. The Borough Administrator will contact Banking Rules for compliance. Council – Elect Hawkins inquired about the condition of the fence. Mayor Cherchi stated he met with the Priest and they will replace the gate if the Borough accepts the liability for the area outside of the cemetery. This item will be discussed further at the meeting of December 5, 2005.

c. Ambulance Corps Generator - The Borough Administrator explained she has sent proposal to the Ambulance Corps and is waiting to hear back from them regarding the generator. The Borough Administrator hopes to assess the capabilities of the generator at the DPW at that time.

d. DPW Generator

e. Lakeview Avenue Speed Humps held until 11/21/05

At this point in time Mayor Cherchi asked if the members of the Governing Body would suspend the rest of the agenda, hold the second Public Comment Session and go into Closed Session. Councilwoman Heveran felt there was enough time to discuss some of the other issues on the agenda. Councilwoman Heveran asked if anyone had anything they felt could not wait until the next meeting. Council President Ryan wanted to discuss visibility issues due to overgrown shrubs blocking the vision of motorists. After a brief discussion, this item will be sent to Laws and Ordinances to have an ordinance created for review and discussion by the Governing Body.

NEW BUSINESS

- a. Billboards – Englewood I-95 held until 11/21/05
- b. Traffic Liaison to Police Traffic Officer held until 11/21/05
- c. Website Committee Membership Issues held until 11/21/05
- d. Landscaping that Obscures Signs on Thoroughfares sent to Laws & Ordinances
- e. Central Business District – State Review held until 11/21/05

PUBLIC COMMENT

Martin Monaco – 352 Highwood Avenue – Mr. Monaco spoke regarding the “no left turn” on Glenwood and Crescent. Mr. Monaco also feels speed humps should be used on Glenwood to help deter speeding.

Mr. Monaco congratulated Mr. Hawkins and Mr. Raucci.

276
277 **CLOSED SESSION**
278

279 Councilwoman Dwarica made a motion to go into Closed Session to discuss the
280 Englewood Agreement for the Compost Facility, the Police Contract, and the Katharine
281 Lane Issue, seconded by Councilwoman Mitrani. All in favor, none opposed.
282

283 **RESOLUTIONS**
284

285 Councilwoman Dwarica made a motion to approve Resolutions 05-255, 259 and 260
286 seconded by Councilwoman Mitrani. Roll call vote; Councilpersons Dwarica, Heveran,
287 LaBianco, Mitrani and Ryan voted yes. Councilman Puzzo was absent. Resolutions
288 approved.
289

290 Councilperson Dwarica, made a motion to adjourn the meeting at 9:45PM, seconded by
291 Councilwoman Heveran, all in favor none opposed. Meeting Adjourned.
292

293 Respectfully submitted,
294

295
296 Fran Lehmann
297 Borough Clerk
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